

CITY-COUNTY GENERAL ORDINANCE NO. 48, 1997
Proposal No. 167, 1997

METROPOLITAN DEVELOPMENT COMMISSION
Docket No. 97-AO-4

A GENERAL ORDINANCE amending the Improvement Location Permit Ordinance of Marion County, Appendix D, Part 17 of the Code of Indianapolis and Marion County, as amended.

WHEREAS, IC 36-7-4, as amended establishes a single planning and zoning authority in counties having consolidated cities and grants certain powers relative the zoning and districting of land to the Metropolitan Development Commission and the City-County Council of such counties having consolidated cities, in order to unify the planning and zoning functions thereof; and,

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana, has adopted and certified, pursuant to IC 36-7-4, as amended, various segments of its Comprehensive Plan of Marion County, Indiana; and

WHEREAS, said IC 36-7-4, as amended, empowers the Metropolitan Development Commission of Marion County, Indiana, after such comprehensive plan certification, to recommend to the City-County Council an ordinance or ordinances for the zoning or districting of all lands within the County to the end that adequate light, air, convenience of access and safety from fire, flood and other danger may be secured; that congestion in the public streets may be lessened or avoided; that property values may be preserved; and the public health, safety, comfort, morals, convenience and general public welfare may be promoted;

WHEREAS, said IC 36-7-4, as amended, grants certain Improvement Location Permit powers to said Commission; and

WHEREAS, the Metropolitan Development Commission and the City-County Council desire to address the needs of the citizens of Marion County in preparing an ordinance which meets the long-term needs of the City/County as a whole; and

WHEREAS, the Regulatory Study Commission, after careful analysis, has determined that the provisions requiring Improvement Location Permits for certain specified types of development are overly burdensome, unnecessary, and repetitive; and,

WHEREAS, the Regulatory Study Commission has recommended to the Metropolitan Development Commission and the City-County Council that certain specified types of development be exempt from the requirements of obtaining an Improvement Location Permit; and

WHEREAS, the regulations and provisions of the applicable zoning ordinances will continue to provide the protection desired by surrounding property owners from inappropriate development; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Improvement Location Permit Ordinance, Appendix D, Part 17, of the Municipal Code of Indianapolis and Marion County, Indiana, as adopted under Metropolitan Development Commission Docket Numbers 68-AO-11, 71-AO-1, 75-AO-2, 88-AO-1, and 93-AO-3 and 95-AO-2, is further amended as follows:

A. That Section 1.00, A, 2, b be amended by deleting the stricken language and inserting the underscored language as follows:

2. a. Obtaining an Improvement Location Permit

No structure shall be located, erected, altered or repaired upon any land within Marion County, Indiana, until an Improvement Location Permit has been applied for by the owner (or authorized agent) thereof and issued by the Metropolitan Development Commission of Marion County, Indiana, unless specifically exempted in Section 1.00, A, 2, b below.

b. Specific Exemptions

An Improvement Location Permit shall not be required for the creation or alteration of the following structures or for accomplishing the following types of improvements. All provisions and regulations of the zoning ordinance applicable in the particular situation shall continue to apply to exempted structures and improvements:

- (1) Air conditioning units
- (2) Antennae
- (2) (3) Children's' play equipment (residential), including above-ground pools which are eighteen (18) inches or less deep and fifteen (15) feet or less in width at its widest point.
- (3) (4) Decks or patios (under eighteen [18] inches in height)
- (4) (5) Enclosure, within the existing building foot print, of portions of the building which already have a foundation and a roof (residential)
- (5) (6) Fences or structural barriers
- (6) (7) Landscape strips
- (7) (8) Mini barns or sheds (under 120 square feet and not on a permanent foundation)
- (8) (9) Movable, temporary use structures or buildings utilized during construction projects
- (9) (10) Recycling containers
- (10) (11) Repairs or alterations which do not change the height, size or lateral bulk of the structure
- (11) (12) Residential awnings
- (12) (13) Roof line changes (residential)
- (13) (14) Roof line changes which do not add usable floor space (commercial)
- (15) Sidewalks on private property out of the public right-of-way
- (16) Trash containers/dumpsters

B. That Section 2.00, B be amended by inserting the following new definitions, as noted by the underscored language as follows:

Antenna. A device that is designed to receive:

- a. direct broadcast satellite service, including direct-to-home satellite services; or,
- b. video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services; or,
- c. television broadcast signals.

Fence. A type of structural barrier usually made of posts supporting such items, by way of example, as chain link, wood pickets, lattice-work, and similar items.

Structural barrier. A physical structure, such as a fence, wall, or railing, that forms a boundary of, or enclosure to, a property or acts as a division between, properties.


C. That Section 2.00, B be amended by renumbering all definitions in the Section. This renumbering will include the two new definitions noted in B. of this ordinance.


SECTION 2. If any provision of this ordinance shall be held invalid, its invalidity shall not affect any other provisions of this ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this ordinance are hereby declared to be severable.

SECTION 3. This ordinance shall be in full force and effect from and after adoption in compliance with IC 36-7-4.

The foregoing was passed by the City-County Council this 14th day of April, 1997 at 8:47 p.m.

ATTEST:



Suellen Hart, Clerk, City-County Council


Dr. Beurt SerVaas
President, City-County Council

STATE OF INDIANA, MARION COUNTY)
) SS:
CITY OF INDIANAPOLIS)

I, Suellen Hart, Clerk of the City-County Council, Indianapolis, Marion County, Indiana, do hereby certify the above and foregoing is a full, true, and complete copy of Proposal No. 167, 1997, a Proposal for GENERAL ORDINANCE, passed by the City-County Council on the 14th day of April, 1997, by a vote of 26 YEAS and 0 NAYS, and was retitled General Ordinance No. 48, 1997, and now remains on file and on record in my office.

WITNESS my hand and the official seal of the City of Indianapolis, Indiana, this 18th day of April, 1997.


Suellen Hart, Clerk, City-County Council

(SEAL)